



PREPARED PURSUANT TO SECTION 303(D) AND SECTION 305(B) OF THE CLEAN WATER ACT  
BY  
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY



## **Executive Summary/Overview**

### **Clean Water Act (CWA) Section 303(d) Requirements**

The 1972 amendments to the Clean Water Act include Section 303(d). The regulations implementing Section 303(d) require states to develop lists of water bodies that do not meet water quality standards and to submit updated lists to the U. S. Environmental Protection Agency (EPA) every two years. Water quality standards, as defined in the Code of Federal Regulations, include beneficial uses, water quality objectives (narrative and numerical) and anti-degradation requirements. The EPA is required to review impaired water body lists submitted by each state and approve or disapprove all or part of the list.

For waterbodies on the 303(d) list, the Clean Water Act requires that a pollutant load reduction plan or TMDL be developed to correct each cause of impairment. TMDLs must document the nature of the water quality impairment, determine the maximum amount of a pollutant which can be discharged and still meet standards, and identify allowable loads from the contributing sources. The elements of a TMDL include a problem statement, description of the desired future condition (numeric target), pollutant source analysis, load allocations, description of how allocations relate to meeting targets, and margin of safety.

### **CWA Section 305(b) Requirements**

The 1972 amendments to the Clean Water Act also include Section 305(b). The regulations implementing Section 305(b) require states to develop an inventory of the water quality of all water bodies in the state and to submit an updated report to the EPA every two years. This process was established as a means for the EPA and the U. S. Congress to determine the status of the nation's waters.

The 305(b) Report also includes: an analysis of the extent to which water bodies comply with the "fishable/swimmable" goal of the CWA; an analysis of the extent to which the elimination of the discharge of pollutants and a level of water quality achieving the "fishable/swimmable" goal have been or will be attained, with recommendations of additional actions necessary to achieve this goal; an estimate of a) the environmental impact, b) the economic and social costs, c) the economic and social benefits, and d) the estimated date of such achievement; and finally, a description of the nature and extent of nonpoint sources of pollutants, and recommendations of programs needed to control them- including an estimate of the costs of implementing such programs.

### **Integrated Report Guidance**

The US Environmental Protection Agency (USEPA) issued guidance (USEPA, 2005) for the development of an Integrated Water Quality Monitoring and Assessment Report (Integrated Report) by the States. This guidance recommends that States integrate their Water Quality Inventory Report (Section 305(b) of the CWA) and their Impaired Waterbodies List (Section 303(d) of the CWA). The Integrated Report is intended to provide an effective tool for maintaining high quality waters and improving the quality of waters that do not attain water quality standards. The Integrated Report will also provide water resources managers and citizens with detailed information regarding the following:

- Delineation of water quality assessment units providing geographic display of assessment results
- Progress toward achieving comprehensive assessment of all waters
- Water quality standards attainment status
- Methods used to assess water quality standards attainment status
- Additional monitoring needs and schedules
- Pollutants and watersheds requiring Total Maximum Daily Loads (TMDLs)
- Pollutants and watersheds requiring alternative pollution control measures
- Management strategies (including TMDLs) under development to attain water quality standards
- TMDL development schedules

The Integrated Report will streamline water quality reporting since data sources and assessment methods will be described in detail, providing a sound technical basis for assessment decisions. Assessment results will also be

conveyed in a spatial context, allowing a clearer picture of water quality status and issues. Monitoring needs and schedules will be described, facilitating the articulation of monitoring priorities and identifying opportunities for cooperation with other agencies and watershed partners. TMDL needs and schedules will be defined to convey plans for water quality improvements. The public participation aspects will provide opportunities for data submittal and open discussion of water quality assessment methods and results.

The Integrated Report combines the non-regulatory requirements of the Water Quality Inventory Report (305b) with regulation driven List of Impaired Waterbodies (303d) (i.e., only the latter mandates TMDL development). Successful integration into a single report requires a careful meshing of requirements and procedures. In general, Category 5 of the Integrated Report satisfies USEPA reporting requirements under Section 303d (Impaired Waterbodies) and combined with the remaining Categories document assessment under Section 305b (Water Quality Inventory). Therefore, the regulatory requirements (i.e., EPA approval and adoption; public participation, etc.) for 303d impaired waterbodies listing only apply to Category 5 of the Integrated Report.

The methods used to develop the 2008 Integrated Report (and subsequent Reports) are described in the Continuing Planning Process (CPP). One goal of the CPP is to provide an objective and scientifically sound waterbody assessment listing methodology including:

- A description of the data that the State will use to assess attainment of surface water quality standards
- The quality assurance aspects of the data
- A detailed description of the methods used to evaluate water quality standards attainment
- The placement of waterbodies in one of 5 Categories:

**Category 1 - Attaining the water quality standard and no use is threatened.**

Waterbodies listed in this category are characterized by data and information that meet the requirements of the CPP to support a determination that the water quality standard is attained and no use is threatened. Consideration will be given to scheduling these waterbodies for future monitoring to determine if the water quality standard continues to be attained.

**Category 2 - Attaining some of the designated uses; no use is threatened; and insufficient or no data and information is available to determine if the remaining uses are attained or threatened.**

Waterbodies listed in this category are characterized by data and information which meet the requirements of the CPP to support a determination that some, but not all, uses are attained and none are threatened. Attainment status of the remaining uses is unknown because there is insufficient or no data or information. Monitoring shall be scheduled for these waterbodies to determine if the uses previously found to be in attainment remain in attainment, and to determine the attainment status of those uses for which data and information was previously insufficient to make a determination.

**Category 3 - Insufficient or no data and information to determine if any designated use is attained.**

Waterbodies are listed in this category when the data or information to support an attainment determination for any use is not available, consistent with the requirements of the CPP. To assess the attainment status of these waterbodies, supplementary data and information shall be obtained, or monitoring shall be scheduled as needed.

**Category 4 - Impaired or threatened for one or more designated uses but does not require the development of a TMDL.****4A - TMDL has been completed.**

Waterbodies are listed in this subcategory once all TMDL(s) have been developed and approved by EPA that, when implemented, are expected to result in full attainment of the standard. Where more than one pollutant is associated with the impairment of a waterbody, the waterbody will remain in Category 5 until all TMDLs for each pollutant have been completed and approved by EPA. Monitoring shall be scheduled for these waterbodies to verify that the water quality standard is met when the water quality management actions needed to achieve all TMDLs are implemented.

**4B - Other pollution control requirements are reasonably expected to result in the attainment of the water quality standard in the near future.**

Consistent with the regulation under 130.7(b)(i),(ii), and (iii), waterbodies are listed in this subcategory when other pollution control requirements required by local, state, or federal authority are stringent enough to implement any water quality standard (WQS) applicable to such waters. These requirements must be specifically applicable to the particular water quality problem. Monitoring shall be scheduled for these waterbodies to verify that the water quality standard is attained as expected.

**4C - Impairment is not caused by a pollutant.**

Waterbodies are listed in this subcategory if the impairment is not caused by a pollutant. Scheduling of these waterbodies for monitoring to confirm that there continues to be no pollutant-caused impairment and to support water quality management actions necessary to address the cause(s) of the impairment, shall be considered.

**Category 5 - The water quality standard is not attained. The waterbody is impaired or threatened for one or more designated uses by a pollutant(s), and requires a TMDL.**

This category constitutes the Section 303(d) list of waters impaired or threatened by a pollutant(s) for which one or more TMDL(s) are needed. A waterbody is listed in this category if it is determined, in accordance with the CPP, that a pollutant has caused, is suspected of causing, or is projected to cause an impairment. Where more than one pollutant is associated with the impairment of a single waterbody, the waterbody will remain in Category 5 until TMDLs for all pollutants have been completed and approved by EPA. For waterbodies listed in this category, monitoring schedules shall be provided that describe when data and information will be collected to support TMDL establishment and to determine if the standard is attained. While the waterbody is being monitored for a specific pollutant to develop a TMDL, the watershed shall also be monitored to assess the attainment status of other uses. A schedule for the establishment of TMDLs for all waters in Category 5 shall be submitted. This schedule shall reflect the priority ranking of the listed waters. Category 5 waterbodies are further divided into the following subcategories:

**5A - TMDL is underway or will be scheduled.****5B - A review of the water quality standards will be conducted before a TMDL is scheduled.****5C - Additional data and information will be collected before a TMDL or review of the water quality standards is scheduled.**

The CPP will provide a companion to the 2008 Integrated Report. It is anticipated that this will be a living document and will be modified, as appropriate, to accompany subsequent Integrated Reports.

**Oklahoma's comprehensive waterbody category list is available in Appendix B. Category 5 waterbodies can be viewed exclusively in Appendix C.**